

Dkt No. 20245800-7039313001
(04-004 US04)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Brian D. Zelickson, et al.

Serial No.: 10/633,820

Filed: August 4, 2003

For: DEVICE AND METHOD FOR
TREATMENT OF GASTROESOPHAGEAL
REFLUX DISEASE

Group Art Unit: 3736

Confirmation No.: 7509

Examiner: John Lacyk

TERMINAL DISCLAIMER UNDER 37 CFR 1.321(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

BOSTON SCIENTIFIC CORPORATION, is the owner of all rights, title, and interest in and to the above-identified application (hereinafter, the "immediate application") pursuant to an assignment recorded in the Patent and Trademark Office to BOSTON SCIENTIFIC CORPORATION on June 28, 2004 at Reel 015503, Frame 0060.

The evidentiary documents have been reviewed, and, as of the signing of this Terminal

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Patent 6,604,004, and hereby agrees that any patent so granted on the immediate application shall be enforceable only for and during such period that the legal title to said patent granted on the immediate application shall be the same as the legal title to Patent No. 6,604,004, and that this agreement is to run with any patent granted on the immediate application and be binding upon the grantee, its successors, and/or assigns.

In making the above disclaimer, BOSTON SCIENTIFIC CORPORATION, does not disclaim the terminal part of any patent granted on the immediate application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,604,004 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I, David T. Burse, of the law firm of Bingham McCutchen LLP, represent that I am a representative authorized to make this disclaimer on behalf of BOSTON SCIENTIFIC CORPORATION.

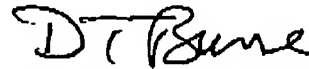
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,
BINGHAM MCCUTCHEN LLP

Dated: July 25, 2005

By



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